



STATE OF WISCONSIN
Senate Journal
 Ninety–Third Regular Session

10:00 A.M.

TUESDAY, August 26, 1997

The Senate met.

The Senate was called to order by Senator Margaret Farrow.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 277

Relating to: the regulation of the sale of merchandise below cost and providing a penalty.

By Senators C. Potter, Welch, Roessler, Clausung, Drzewiecki, Fitzgerald, Jauch, Plache, Rude, Schultz and Wineke; cosponsored by Representatives M. Lehman, Huber, Ainsworth, Brandemuehl, Coggs, Dobyms, Freese, Gard, Goetsch, Grothman, Gunderson, Hahn, Harsdorf, Hasenohrl, Huebsch, Johnsrud, Kaufert, F. Lasee, Meyer, Musser, Olsen, Ott, Otte, Ourada, Porter, Reynolds, Seratti, Springer, Staskunas and Ziegelbauer.

To committee on **Economic Development, Housing and Government Operations.**

Senate Bill 278

Relating to: seizure of motor vehicles for offenses related to driving while under the influence of an intoxicant.

By Senators Drzewiecki, Huelsman, Cowles, A. Lasee, Farrow, Darling and Rosenzweig; cosponsored by Representatives Olsen, Ryba, Wasserman, Dobyms, Hahn, Ziegelbauer, Harsdorf, Otte, Goetsch, Kelso, Green, Gunderson, Grothman, Robson, Huebsch, Lazich, Hanson, Staskunas, Vrakas, Ladwig, Hutchison, Plouff and Powers.

To committee on **Judiciary, Campaign Finance Reform and Consumer Affairs.**

Senate Bill 279

Relating to: driving while under the influence of an intoxicant and providing a penalty.

By Senators Drzewiecki, Clausung, Huelsman, Risser, Cowles, Roessler, A. Lasee, Farrow and Darling; cosponsored by Representatives Olsen, Ryba, Wasserman, Dobyms, Hahn, Ziegelbauer, Harsdorf, Walker, Otte, Kelso, Green, Gard, Gunderson, Grothman, Robson, Huebsch, Ainsworth, Lazich, Hanson, Staskunas, Vrakas, Ladwig, Ott, Hutchison, Plouff, Powers and Plale.

To committee on **Judiciary, Campaign Finance Reform and Consumer Affairs.**

Senate Bill 280

Relating to: the counting of convictions, suspensions and revocations related to driving while under the influence of an intoxicant.

By Senators Drzewiecki, Clausung, Huelsman, Risser, Roessler, A. Lasee, Farrow and Darling; cosponsored by Representatives Olsen, Ryba, Wasserman, Dobyms, Hahn, Gard, Ziegelbauer, Walker, Notestein, Kelso, Green, Gunderson, Robson, Huebsch, Lazich, Hanson, Staskunas, Vrakas, Ott, Hutchison, Plouff, Powers and Plale.

To committee on **Judiciary, Campaign Finance Reform and Consumer Affairs.**

PETITIONS AND COMMUNICATIONS

State of Wisconsin
 Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill, Joint Resolution or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
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Senate Bill 153	Wisconsin Act 13	September 5, 1997
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Sincerely,
 DOUGLAS LA FOLLETTE
 Secretary of State

State of Wisconsin
 Department of Health and Family Services

August 22, 1997

The Honorable, The Senate:

1989 Wisconsin Act 31, Section **1118i**, requires the Department of Health and Family Services to submit to the chief clerk of each house of the Legislature a report on the allocation and expenditure of funds for services for homeless individuals. Attached is the Department's seventh annual report.

Departmental staff are available if you have any questions or require any additional information.

Sincerely,
 JOE LEEAN
 Secretary

State of Wisconsin
 Department of Health and Family Services

August 22, 1997

The Honorable, The Senate:

As required in Sections **227.485(9)** and **814.245(10)** of the Wis. Stats., I am submitting the report concerning decisions and resulting payments of Attorney fees and related legal costs.

Attorney fees and other legal costs are to be paid whenever the opposing party to an agency's Chapter 227 hearing prevails and it is determined the agency's position was not substantially justified. Payments for SFY 1997 are shown on the attached schedule.

In addition, the Department is required to report any awards granted to the Department regarding frivolous motions brought against this Department. If the hearing examiner determines that the motion of the opposing party in any Chapter 227 contested case is frivolous, the examiner may award the state agency all reasonable costs in responding to the motion. In SFY 1997, no motions of opposing parties were found to be frivolous. Consequently, the Department has no awards to report.

Sincerely,
JOE LEEAN
Secretary

**State of Wisconsin
Gaming Board**

August 20, 1997

The Honorable, The Legislature:

Included with this correspondence, I am submitting the quarterly report of the Wisconsin Gaming Board (Board), for the year ending June 30, 1997. As required by s.562.02(1)(g), Wis. Stats., the attached materials contain pari-mutuel wagering and racing statistical information as well as the revenues and expenditures for the Board's Racing, Charitable Gaming and Indian Gaming programs.

If you have any questions or comments regarding this report, please do not hesitate to contact me at (608)266-1645.

Sincerely,
F. SCOTT SCEPANIAC
Executive Director

EXECUTIVE COMMUNICATIONS

**State of Wisconsin
Office of the Governor**

August 21, 1997

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 153	Wisconsin Act 13	August 21, 1997

Sincerely,
TOMMY G. THOMPSON
Governor

**State of Wisconsin
Office of the Governor**

August 18, 1997

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HUSZ, JOHN, of Milwaukee, as a member of the Wisconsin Parole Commission, to serve for the term ending March 1, 1999.

Sincerely,
TOMMY G. THOMPSON
Governor

Read and referred to committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs.**

**State of Wisconsin
Office of the Governor**

August 18, 1997

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RUSSELL, MARCELLA L., of Shullsburg, as a member of the State Fair Park Board, to serve for the term ending May 1, 2002.

Sincerely,
TOMMY G. THOMPSON
Governor

Read and referred to committee on **Agriculture and Environmental Resources.**

**State of Wisconsin
Office of the Governor**

August 18, 1997

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SIZE, TIMPTHY K., of Madison, as a member of the Wisconsin Health and Educational Facilities Authority, to serve for the term ending June 30, 2004.

Sincerely,
TOMMY G. THOMPSON
Governor

Read and referred to committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs.**

**REFERRALS AND RECEIPT OF
COMMITTEE REPORTS CONCERNING
PROPOSED ADMINISTRATIVE RULES**

Senate Clearinghouse Rule 96-185

Relating to leisure time activities, inmate activity groups and religious beliefs and practices for inmates.

Submitted by Department of Corrections.

Report received from Agency, August 22, 1997.

Referred to committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs**, August 26, 1997 .

Senate Clearinghouse Rule 97-069

Relating to security procedures at correctional institutions.

Submitted by Department of Corrections.

Report received from Agency, August 21, 1997.

Referred to committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs**, August 26, 1997 .

The committee on **Utility Regulation** reports and recommends:

Senate Clearinghouse Rule 95-062

Relating to the certification and regulation of telecommunications resellers and providers of alternative operator services.

No action taken.

Rodney Moen
Chairperson

ADJOURNMENT

Senator Farrow, with unanimous consent, asked that the Senate adjourn until Thursday, August 28 at 10:00 A.M..

Adjourned.

10:01 A.M.

**LEGISLATIVE REFERENCE BUREAU
CORRECTIONS**

CORRECTIONS IN:

1997 SENATE BILL 256

Prepared by the Legislative Reference Bureau
(Monday, August 25, 1997)

1. Page 2, line 4: on lines 4 and 6, delete "175.35" and substitute "175.37".